

## Listing of the Claims

- 1.-23. Canceled.
24. (Currently amended) A vector containing the ~~DNA sequence of an~~ isolated DNA of claim 53.
25. (Currently amended) A transformant containing the ~~DNA sequence of an~~ isolated DNA claim 53 which is a plant cell or plant tissue of a Brassica plant or a transformed Brassica plant.
26. (Previously presented) The transformant of claim 25 which is a transformed Brassica plant.
27. Canceled
28. (Currently amended) A transformant having a cytoplasmic male sterile gene wherein the ~~DNA sequence of an~~ isolated DNA of claim 53 is introduced with an induction type promoter into a cell of the transformant wherein the promoter is positioned with respect to the isolated ~~DNA sequence~~ to enable transcription thereof in the transformant, so that the transformant can regulate expression of the cytoplasmic male sterile gene, wherein the transformant is a cell or tissue of a Brassica plant or a transformed Brassica plant.
29. (Currently amended) A method for maintaining a cytoplasmic male sterile Brassica line by ~~using~~ crossing said line with the transformant of claim 28.
- 30.-31. Canceled

32. (Currently amended) A plant-transforming vector which comprises a promoter DNA having an ability of transcribing an mRNA at least in an anther and the ~~DNA sequence of an~~ isolated DNA of claim 53, wherein the promoter is positioned with respect to the isolated DNA ~~sequence~~ to enable transcription thereof.
33. Canceled
34. (Previously presented) A transformed Brassica plant having the vector of claim 32.
- 35.-36. Canceled
37. (Currently amended) A seed, pollen, protoplast, cell, vegetative portion, hypocotyl, gamete or root, which is obtained from the transformant of claim 25 and which comprises ~~the DNA sequence of~~ said isolated DNA.
38. (Previously presented) A transformant of claim 25 which is a *Brassica napus* plant, wherein a seed which is obtained from the transformant has a glucosinolate content of 30 micromole/g seed or less.
39. (Currently amended) A seed which is obtained from the transformant of the *Brassica napus* plant of claim 38 and which comprises ~~the DNA sequence of~~ said isolated DNA.
40. (Currently amended) A hybrid plant seed of a Brassica plant having fertility restoration ability, produced by crossing a mother<sub>1</sub>, which is a cytoplasmic male sterile line Brassica plant, with a pollen parent, which is a fertility restoring line Brassica plant, which is a transformed plant ~~of claim 26~~ comprising a DNA sequence encoding the protein having the amino acid sequence of SEQ ID NO:3; and wherein the seed comprises a DNA

sequence encoding the protein having the amino acid sequence of SEQ ID NO:3.

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41. (Previously presented) The hybrid plant seed according to claim 40, wherein the cytoplasmic male sterile line plant of said mother is a cytoplasmic male sterile hybrid line derived from Ogura or Kosenia radish.
42. Canceled
43. (Previously presented) The hybrid plant seed of a Brassica plant of claim 41, wherein the Brassica plant belongs to the species *Brassica napus*.
44. (Previously presented) The hybrid plant seed according to claim 43, wherein the glucosinolate content in the seed is 30 micromole/g seed or less.
- 45.-46. Canceled
47. (Currently amended) A seed, pollen, protoplast, cell, vegetative portion, hypocotyl, gamete, or root, each comprising a DNA sequence encoding the protein having the amino acid sequence of SEQ ID NO:3 which is obtained by planting and growing the hybrid plant seed of claim 40.
- 48.-52. Canceled
53. (Previously presented) The isolated DNA of claim 59 encoding the protein having the amino acid sequence of SEQ ID NO:3.
54. (Previously presented) The isolated DNA of claim 53 having the nucleotide sequence of SEQ ID NO:1.
- 55.-58. Canceled

59. (Currently amended) An isolated DNA which encodes a protein involved in restoration of a cytoplasmic male sterile individual to fertility selected from the group consisting of:

(1) an isolated DNA which encodes a protein having the amino acid sequence of SEQ ID NO: 3;

(2) an isolated DNA which encodes a protein having an amino acid sequence that is 92% or more homologous to the amino acid sequence of SEQ ID NO:3; and

~~(3) an isolated DNA which encodes a protein having an amino acid sequence wherein 1 to 20 amino acids are deleted, added and/or substituted in the amino acid sequence of SEQ ID NO:3;~~

~~(4) (3) an isolated DNA having 95% or higher homology to a DNA sequence encoding a protein having the amino acid sequence of SEQ ID NO:3; and~~

~~(5) an isolated DNA which hybridizes to a DNA sequence encoding a protein having the amino acid sequence of SEQ ID NO:3 under stringent hybridization conditions where hybridization is performed at 65 °C in the presence of 0.7-1.0 M NaCl followed by washing using 0.1 to 2 X SSC solution at 65 °C.~~

60. (Previously presented) An isolated DNA of claim 59 selected from the group consisting of:

(1) an isolated DNA which encodes a protein having the amino acid sequence of SEQ ID NO: 3; and

(2) an isolated DNA which encodes a protein having an amino acid sequence that is 92% or more homologous to the amino acid sequence of SEQ ID NO:3.

61. (Currently amended) The isolated DNA of claim 59 ~~selected from the group consisting of:~~

~~(1) an isolated DNA which encodes a protein having an amino acid sequence wherein 1 to 20 amino acids are deleted, added and/or substituted in the amino acid sequences of SEQ ID NO:3; and~~

~~(2) an isolated DNA having 95% or higher homology to a DNA sequence encoding a protein having the amino acid sequence of SEQ ID NO:3.~~

62. (Previously presented) The isolated DNA of claim 59 which encodes a protein having an amino acid sequence that is 92% or more homologous to the amino acid sequence of SEQ ID NO:3.

63. (Previously presented) The isolated DNA of claim 59 which encodes a protein having an amino acid sequence which has 95% or higher homology to the amino acid sequence of SEQ ID NO:3.

64. (Previously presented) The isolated DNA of claim 59 which encodes a protein having an amino acid sequence which has 97% or higher homology to the amino acid sequence of SEQ ID NO:3.

65.-69. Canceled

70. (New) The isolated DNA of claim 59 having 95% or higher homology to a DNA sequence encoding a protein having the amino acid sequence of SEQ ID NO:3.

71.-72 Canceled

73. (Currently amended) A vector containing the ~~DNA sequence of an~~ isolated DNA of claim 59.
74. (Previously presented) A transformant containing the vector of claim 73, which is a plant cell, plant tissue or plant of the genus Brassica.
75. (Currently amended) A transformant comprising the ~~DNA sequence of an~~ isolated DNA of claim 59, which is a plant cell, plant tissue or plant of the genus Brassica.
76. (Previously presented) The transformant of claim 75 which is a transformed Brassica plant.
77. (Previously presented) The transformant of claim 76 which is a *Brassica napus* plant.
78. (Currently amended) A seed, pollen, protoplast, cell, vegetative portion, hypocotyl, gamete or root, each of which is obtained from the transformant of claim 76 and each of which comprises ~~the DNA sequence of~~ said isolated DNA.
79. (Currently amended) A seed, pollen, protoplast, cell, vegetative portion, hypocotyl, gamete or root, each of which is obtained from the transformant of claim 77 and each of which comprises ~~the DNA sequence of~~ said isolated DNA.
80. (Currently amended) A seed, pollen, protoplast, cell, vegetative portion, hypocotyl, gamete or root of a Brassica plant, each of which comprises the ~~DNA sequence of an~~ isolated DNA of claim 59.

81. (Previously presented) The seed, pollen, protoplast, cell, vegetative portion, hypocotyl, gamete or root of a Brassica plant of claim 80 wherein the Brassica plant is a *Brassica napus* plant.
82. (Currently amended) A transformant having a cytoplasmic male sterile gene wherein the ~~DNA sequence of an~~ isolated DNA of claim 59 is introduced with an induction type promoter into a cell of the transformant, wherein the promoter is positioned with respect to the isolated DNA to enable transcription thereof in a transformant so that the transformant can regulate expression of the cytoplasmic male sterile gene, wherein the transformant is a plant cell, plant tissue or plant of the genus Brassica.
83. (Currently amended) The transformant of ~~claim 84~~ claim 82 which is a plant cell, plant tissue or plant of the species *Brassica napus*.
84. (Currently amended) A method for maintaining a cytoplasmic male sterile Brassica line by ~~using~~ crossing said line with the transformant of claim 82.
85. (Currently amended) A plant-transforming vector which comprises the ~~DNA sequence of an~~ isolated DNA of claim 59 and a promoter DNA having the ability to transcribe an mRNA at least in an anther wherein the promoter is positioned with respect to the isolated ~~DNA sequence~~ to enable transcription thereof.
86. (Previously presented) A transformed Brassica plant having the plant-transforming vector of claim 85.
87. (Previously presented) A transformed *Brassica napus* plant having the plant-transforming vector of claim 85.

88. (Previously presented) A transformed plant of the species *Brassica napus* containing the plant-transforming vector of claim 85 wherein seed which is obtained from the transformed plant has a glucosinolate content of 30 micromole/g seed or less.
89. (Previously presented) The transformed *Brassica napus* plant of claim 88 wherein the glucosinolate content of the seed is 12 micromole/g seed or less.
90. (Currently amended) A seed which is obtained from the transformed plant of the species *Brassica napus* of claim 88 and which comprises ~~the DNA sequence of~~ said isolated DNA ~~of the transformed plant~~.
91. (Currently amended) A transformant or transformed plant comprising (1) the ~~DNA sequence of an~~ isolated DNA of claim 59, (2) a vector containing the ~~DNA sequence of~~ said isolated DNA, or (3) a plant-transforming vector containing the ~~DNA sequence of~~ said isolated DNA and a promoter DNA having the ability to transcribe an mRNA at least in an anther, wherein the promoter is positioned with respect to said isolated DNA to enable transcription thereof; wherein the transformant or transformed plant is homozygous for a gene encoding the protein involving in restoration of a cytoplasmic male sterile plant to fertility encoded by the ~~DNA sequence of~~ said isolated DNA; and wherein the transformant is a cell or tissue of a Brassica plant and the transformed plant is a Brassica plant.
92. (Previously presented) The transformant or transformed plant of claim 91 wherein the transformant is a cell or tissue of a *Brassica napus* plant and the transformed plant is a transformed *Brassica napus* plant.
93. (Currently amended) A transformant or transformed plant comprising (1) the ~~DNA sequence of an~~ isolated DNA of claim 59, (2) a vector containing the



~~DNA sequence of~~ said isolated DNA, or (3) a plant-transforming vector containing ~~the DNA sequence of~~ said isolated DNA and a promoter DNA having the ability to transcribe an mRNA at least in an anther, wherein the promoter is positioned with respect to said isolated DNA to enable transcription thereof; wherein, when the transformant or the transformed plant is regenerated, the regenerated individual can restore cytoplasmic male sterility to fertility; and wherein the transformant is a cell or tissue of a Brassica plant and the transformed plant is a Brassica plant.

94. (Previously presented) The transformant or transformed plant of claim 93 wherein the transformant is a cell or tissue of a *Brassica napus* plant and the transformed plant is a transformed *Brassica napus* plant.
95. (Currently amended) A hybrid plant seed of a Brassica plant having fertility restoration ability which comprises ~~a DNA sequence of an~~ the isolated DNA of claim 59.
96. (Currently amended) A hybrid plant seed of a *Brassica napus* plant having fertility restoration ability which comprises ~~a DNA sequence of an~~ the isolated DNA of claim 59.
97. (Previously presented) A bacterial host cell containing the vector of claim 73.
98. (Previously presented) The bacterial host cell of claim 97 which is a bacterium belonging to the genus *Escherichia* or *Agrobacterium*.
99. (Previously presented) A transformant comprising a vector of claim 24 which is a cell or tissue of a Brassica plant or is a Brassica plant.

100. (Previously presented) The transformant of claim 99 which is a cell or tissue of a *Brassica napus* plant or is a *Brassica napus* plant.
101. (Previously presented) The isolated DNA of claim 53 having the nucleotide sequence of SEQ ID NO. 2.